UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.234
25 January 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 234th MEETING

Held at Headquarters, New York,
on Monday, 17 January 1994, at 3 p.m.

Chairperson: Ms. CORTI

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference Services, room DC2-794, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of the Netherlands (CEDAW/C/NET/1 and Add.1-3)

1. At the invitation of the Chairperson, Ms. Swiebel, Ms. Bode-Olton and Ms. Hoevertsz (Netherlands) took places at the Committee table.

2. Ms. SWIEBEL (Netherlands), introducing her country's report (CEDAW/C/NET/1 and Add.1-3), said that the Kingdom of the Netherlands consisted of three equal partners, each one fully autonomous in its internal affairs. Consequently, she would speak only about the implementation of the Convention in that part of the kingdom that was situated in Europe. The members of her delegation representing the Netherlands Antilles would speak about implementation in those other parts of the kingdom.

3. Her Government attached great importance to the Convention as a source of reference and inspiration for the development of policies and programmes for the equality of women.

4. Various changes had been made to existing legislation in the Netherlands to bring it into line with the Convention. First, most of the irrelevant and outdated distinctions between women and men had been eliminated from national legislation and statutory provisions and a comprehensive inventory of all laws and regulations had been published. Second, new legislation on equal treatment of the sexes had been adopted, partly as a result of the need to implement the relevant European Community directives concerning equal treatment in the labour market and in the area of labour conditions. Third, in 1991, a general equal treatment bill had been introduced that not only extended the prohibition of sex discrimination to the most important sectors of social life but also took into account other grounds of discrimination. Fourth, new provisions had been added to the Netherlands criminal code, making discrimination on the basis of sex a criminal offence. In addition, there had been specific reforms, such as reforms in the field of marriage law.

5. At the time it signed the Convention in 1980, the Netherlands had already begun to develop a comprehensive policy for women's equality through the establishment of national machinery and the implementation of various practical measures. That process had been defined as a cross-sectoral task comprising all areas of the administration, since coordination and integration of the gender aspect in all ministries and departments was seriously hampered by the fragmented structure of administrative and political decision-making. The Department for the Coordination of Emancipation Policy would function as a centre of expertise on policy-making and equality matters.

6. The Netherlands had always provided financial support to activities of the women's movement in the belief that that would help bring about the necessary adaptation of government policies to the equality perspective. That policy was described in the report, beginning with paragraph 338. Policies to combat violence against women, which in a way was the quintessence of the so-called

(Ms. Swiebel, Netherlands)

women's question, were dealt with at length in paragraphs 190 to 202 of the report.

7. Under Netherlands law, a convention to which the Netherlands had become a State party automatically became part of the Netherlands legal order and took precedence over any national laws and regulations that were incompatible with it. The ratification process had taken a long time, and at different stages it had been debated whether substantial reservations to particular articles of the Convention were desirable, but in the end the Convention had been ratified without any reservations; moreover, a general equal treatment act was likely to be adopted shortly.

8. As her Government felt that reporting on the implementation of human rights treaties was primarily the Government's responsibility, non-governmental organizations (NGOs) had not been consulted in the preparation of the report. However, reports from two non-governmental organizations were available to the Committee.

9. Ms. BODE-OLTON (Netherlands), representing the Netherlands Antilles, said that the ratification of the Convention had helped highlight some deficiencies in the infrastructure of the Netherlands Antilles with regard to the implementation of the provisions of the Convention, and also some constraints in the field of reporting, including the aspect of collecting statistical information. However, a census conducted in 1992 had made it possible to update the report.

10. In part one of the report (CEDAW/C/NET/11 Add.1), much emphasis was placed on the effects of economic factors on the position of women in the Netherlands Antilles. However, while her Government would never cite the economic status of the Netherlands Antilles as a reason for not complying with the provisions of the Convention or any other human rights instruments, it was none the less true that the pace of implementation of the Convention was dictated by various local factors. At the same time it was generally acknowledged that all efforts at the national level should be directed at improving safeguards of the rights of women. Although the economic situation of the Netherlands Antilles continued to be cause for concern, unemployment was down and, for the first time in five years, there had been a slight decrease in unemployment amongst women.

11. There had been some new developments since the submission of the report. The authorities had decided to apply the principle of equal pay for equal work to civil servants. In 1993, the University of the Netherlands Antilles had hosted an intensive course on management, culture and gender to promote awareness of women's issues. The Bureau for Women's Affairs was playing an important role as coordinator of the national machinery in the field of women and development, and had taken up the topic of violence against women as a priority area. Her Government in cooperation with a non-governmental organization, had organized a workshop on the topic of sexual harassment in the workplace.

12. Ms. HOEVERTSZ (Netherlands), representing Aruba, said that in many cases the entry into force of the Convention had confirmed the rights that had already been granted to Aruban women through other national or international legal instruments; in other cases, it had promoted the recognition of new rights for women.

13. Over the past year the Aruban economy had continued to grow steadily; however, the consequences of rapid economic development over the past five years had posed serious problems for her Government in several areas. The population had continued to grow in 1993, and approximately 20 per cent of the population was of foreign origin. Spanish had replaced Dutch as the second most widely spoken language in Aruba, and that was having an impact on the local schools. Often, young children of Latin American origin were unable to integrate in the Aruban school system and the extra attention they needed posed problems for already overcrowded schools.

14. The proportion of women in the labour market had increased to over 50 per cent in 1993 and her Government was studying the possibility of introducing part-time work and of expanding day-care facilities in order to make it easier for women to combine work outside the home with their family responsibilities.

15. Aruban women were not generally active in women's rights movements. However, they were very active in social and charitable organizations, including the Women's Club which was carrying out pioneering work in the provision of information about the HIV virus and AIDS. A private organization, Fundacion Respetami composed almost entirely of female members, was active in the field of the prevention of child abuse.

16. In January 1993 general elections for the Aruban Parliament had been held and 15 per cent of the candidates had been women. For the second time since 1986, a female minister had been appointed, and three female members of Parliament had been sworn in. Although still outnumbered by their male counterparts, women continued to do well in cultural activities and sports.

17. The Aruban Human Rights Committee, appointed in 1991, had been authorized to advise the Government on human rights issues in general and to raise consciousness among the population on the existence of human rights and their importance for the individual human being. It faced a considerable challenge since NGOs were virtually non-existent in Aruba. In 1993, special attention had been given to consciousness-raising activities with the objective of educating people about their rights. The text of the Convention had been translated into Papiamento and presented to the Aruban public in a simplified version, making use of drawings. Informative presentations had been given for social clubs, schools and welfare organizations, and material on human rights education had been disseminated to schoolteachers.

18. Ms. SCHOPP-SCHILLING, while welcoming the information provided in the report, said that it was too descriptive and not sufficiently result-oriented. She would welcome specific information on the problems that existed, the efforts made to solve them and the results of those efforts, together with an analysis of the reasons for failure, where relevant.

(Ms. Schopp-Schilling)

19. She noted that the national machinery for achieving the objectives of the Convention appeared to be fragmented and that policies in support of projects of benefit to women were limited in time. It would therefore be useful to know what had been the impact of such projects on women and what returns had been obtained from the resources invested.

20. Ms. ABAKA welcomed the information that the Netherlands had withdrawn its reservations relating to military service and pension rights. She was, however, concerned to see, from paragraph 95, that membership of a particular church was a prerequisite for membership in certain political parties.

21. Referring to paragraph 106 of the report, she wondered how the Queen, as head of State, could preside over a body charged with advising the Government.

22. Finally, she noted that it had taken the Government of the Netherlands 11 years to ratify the Convention, it was unfortunate that development projects of benefit to women were all too often not considered as priorities.

23. Ms. GARCIA-PRINCE said that the report did not clearly explain which national authority in the Netherlands was responsible for implementing the Convention. Furthermore, she expressed the hope that the second periodic report would provide disaggregated data on the access of women to health services. She had some concerns about the limited role of women in decision-making in the Netherlands Antilles, adding that the Government should increase its support for the work of women's agencies.

24. Ms. KHAN asked for statistical data on the number of women victims of discrimination who had availed themselves of the possibility, provided for under national legislation, to seek redress through the courts. According to information received from NGOs, not one had done so, the reason being that the guidelines had not been prepared from a gender perspective. That defect in the legislation should therefore be remedied.

25. Ms. SHANGZHEN said that, although the report contained a wealth of information, it was repetitive and lacked a cogent analysis of the situation of women's rights in the Netherlands. Ironically, that shortcoming might be due to too strict an adherence to the guidelines for preparation of reports. She hoped that the second report would be more analytical and would place greater emphasis on the results achieved.

26. Ms. AYKOR said that the failure of the Government of the Netherlands to take account of the opinions of NGO's in the preparation of the report was a matter of concern.

27. Ms. FORDE welcomed the fact that the Government of the Netherlands had ratified the Convention without reservations. She welcomed in particular the informative reports on the Netherlands Antilles and Aruba and was personally aware of the serious efforts made to implement the objectives of the Convention relating to women and children. In that connection, the translation of the text of the Convention into Papiamento would ensure wider dissemination within the islands. She wondered whether the Government would consider organizing a

(Ms. Forde)

seminar in the islands to report on the Committee's meeting and, in particular, its reaction to the report of the Netherlands Antilles.

28. Ms. TALLAWY said that she would welcome the comments of the representatives of the Netherlands on the report by the NGOs in that country, which raised a number of interesting questions.

Article 2

29. Ms. DE RAMSEY said that she would welcome information on the efforts that had been made to help women and children who were victims of sexual violence and on the results of those efforts.

30. Ms. SCHOPP-SCHILLING said that she would welcome clarification of the reference in the report to equal treatment in horizontal relationships. She also wished to know what changes had been made in the taxation laws applicable to women and in what ways were the previous regulations discriminatory. Furthermore, it would be useful to know how many women were victims of violence annually, how much money was spent on programmes for their benefit and what percentage that represented of total government expenditure on women's programmes.

31. Ms. ABAKA, referring to paragraph 215 of the report, said that since the Committee's aim was precisely to familiarize itself with the Dutch situation, she hoped that the information in the follow-up policy document on sexual violence against women and girls would be made available to the Committee.

Article 3

32. Ms. SCHOPP-SCHILLING said that it would be helpful if the Netherlands Government could provide the Committee with copies of the Women's Social Atlas on the situation of women. The report was unclear as to how the transfer of responsibility for women's issues, from the national to the local level, was to occur. Firstly, it would be useful to know how the Government intended to ensure continuous, long-term financing of women's support centres, and if a governmental body would be made responsible for coordinating those questions at the various levels of Government.

33. Ms. SHANGZHEN said that the fact that the Netherlands had launched its emancipation policy before the start of the United Nations Decade for Women demonstrated the support of its government for the advancement of women. But it was unclear whether the shift from national to local machinery would allow for a continuous emancipation policy; it was also uncertain whether that shift indicated that the Government now placed lower priority on those issues. It would be useful to know the rationale for the disbandment of the Cabinet Committee for Emancipation Policy. Finally, she would be pleased to know if the summary on the position of women in the Netherlands (para. 323), had been published.

Article 4

34. Ms. SCHOPP-SCHILLING said that more information should be provided on targets and timetables; it would also be interesting to learn whether the Netherlands Government intended to set higher targets in the future.

Article 5

35. Ms. SCHOPP-SCHILLING said that the anti-discrimination policy of the Netherlands, which included the question of sexual preference, was probably the most progressive in Europe; unfortunately, the report had not addressed that issue. A detailed description of policies that dealt with equal rights for lesbian women would be welcome.

36. Ms. KHAN said that additional information would be helpful regarding discrimination on the basis of sexual orientation. It would also be interesting to learn what specific problems confronted lesbians, and whether they faced more discrimination than did gay men. Furthermore, it would be useful to know whether there was a special governmental agency to deal with child abuse and violence against women, or if those problems were dealt with by private organizations and non-governmental organizations.

Article 6

37. Ms. SHANGZHEN said that she was baffled by the policy on voluntary prostitution of the Public Prosecutions Department, which was to refrain from instituting proceedings. Prostitution was always exploitative and a degradation of women. Few women would voluntarily participate in that practice. Furthermore, prostitution damaged the health of the society and the nation - especially given the current threat of HIV/AIDS - and could certainly not be accepted as a profession. The organizations that sought to improve the situation of prostitutes should not be called "trade unions". In that light, she would appreciate information regarding the current incidence of HIV/AIDS in the Netherlands. Lastly, it would be interesting to learn whether there was any relationship between the absence of a ban on pornography and the rise in sexual violence.

38. The CHAIRPERSON, noting that cases of forced prostitution had been documented in the Netherlands, and that the phenomenon was spreading in the industrialized countries of Europe as the flows of migration increased, said that it would be helpful to know whether the Netherlands dealt with that problem within the context of prostitution or immigration.

Article 7

39. Ms. BUSTELO said that she would confine her questions to the report of the Netherlands proper. Firstly, she wished to commend that country for the wording of paragraph 88, which read: "Manhood suffrage was introduced in 1917, and universal suffrage in 1919". The usual formulation termed the granting of the vote to men "universal suffrage", and to women "women's suffrage". The report lacked, however, an analysis of the progress made by the Netherlands towards achieving what was known throughout Europe as parity democracy; she would welcome information on that analytical point in the next report. Furthermore, paragraph 87 of the report was unclear as to the manner in which the order in

(Ms. Bustelo)

which candidates appeared on the electoral lists, could be modified in order to ensure that more women were elected. She would be grateful to learn to what extent that system had proven advantageous for women candidates, and what relationship existed between the electoral system and results achieved by women in gaining public office. It would be useful to know, as well, the Government's position on efforts within the women's movement, to translate positive advances into legislation. It would also be interesting to learn the position of the Netherlands with regard to bills currently being proposed in European countries that would require that a certain percentage of the candidates on electoral lists should be women.

40. Under the European Union's present programme on equal opportunities, the advancement of women was posited as a fundamental requirement for development. The report contained surprisingly few references to the policies of the European Union on behalf of women; in her view, no member of the European Union should draft its report without discussing the latter's emancipation policies. Lastly, paragraph 95 of the Netherlands report cited a decline in membership in political parties: it would be interesting to learn whether those figures were the same for both men and women, or if that trend had brought about a concomitant increase in the participation of women in non-governmental organizations.

41. Ms. SCHOPP-SCHILLING, referring to paragraph 428, said that the target set for 1995, that at least 1 out of 12 the Queens commissioners must be a woman, was low; sociological research had demonstrated that in order to make an impact, the participation of women and other minorities must be at least 20 to 30 per cent. It would be helpful to know why such a low target had been set. Furthermore, the report contained insufficient information on the numbers of women in administrative and political positions in provincial and municipal government, as well as on the division of power between high and low levels of government. Additional information would also be useful on the nature and size of grants awarded by the central government to political parties for the purpose of increasing the number of women candidates for political positions. She suggested that such grants should perhaps be refunded if political parties failed to achieve that goal.

42. The CHAIRPERSON said that, in Finland, for example, State allowances to political parties were awarded in proportion to the number of women members of each organization; it would be interesting to learn whether the Netherlands followed a similar policy.

Article 7

43. Ms. AOUIJ said that the increase in the number of women representatives in the Netherlands attested to its strong determination to effect change on behalf of women. She commended that country for its remarkable advances in child-care support and child-care centres, as well as for its support for women at the family, professional, and political levels. With regard to the electoral system, it was unclear from paragraph 87 of the report how women fit into the list of candidates. Given the importance of the order in which candidates were listed, it would be useful to know if a study had been carried out to evaluate the place of women on those lists and the progress of women candidacies.

(Ms. Aouij)

Furthermore, the report on the Netherlands Antilles should contain statistics on the number of women in elected office.

Article 8

44. Ms. SCHOPP-SCHILLING said that she wished to know whether the Government of the Netherlands had policies with regard to its male and female diplomats, such as special arrangements for spouses who were also diplomats, which had been shown to increase the number of women diplomats on the international scene.

Article 9

45. Ms. ABAKA, citing paragraph 452 of the report, commended the Netherlands for denouncing the New York Convention of 20 February 1957 on the nationality of married women, and for drawing attention to that contravention of the Convention.

Article 10

46. Ms. DE CORREA commended the Netherlands for ratifying the Convention. As education was one of the best means of eradicating discrimination against women, it would be useful to know if that issue was taken into consideration in school curricula, and especially in the approval of school texts, at all levels. That question had been broached in the report of the Netherlands Aruba; she would welcome similar information concerning the Netherlands proper and the Netherlands Antilles.

Article 11

47. Ms. BUSTELO wondered whether the decreasing number of women working on a part-time basis in the Netherlands was perhaps a manifestation of discrimination against women and, if that were the case, whether any measures had been taken to overcome that problem. It would also be useful to have more information on the status of part-time work for both men and women.

48. Ms. SCHOPP-SCHILLING said that the report did not give a very clear picture of women's employment in the Netherlands nor suggest any reasons for the low employment rate among women. With regard to differences in pay between men and women, the figures provided were somewhat confusing; she wished to know what the pay difference was and whether there was pay discrimination with regard to equal work as well as with regard to work of equal value. There ought to be an overarching policy with regard to women's employment. She was pleased to note from document CEDAW/C/NET/1/Add.3 (sect. 497), that "efforts made to find work for the persons concerned must be proportional to their share in the total number of unemployed job-seekers registered at the employment exchange" and wondered whether any penalty was imposed for failure to meet those obligations.

49. The statement that the Netherlands Government had been unable to provide data on women in the agricultural sector was unacceptable since reliable data could be obtained from the European Union. She would appreciate more information on the numbers of women in the agricultural sector, the kind of work they were doing and their old-age pension schemes, if any.

(Ms. Schopp-Schilling)

50. She wondered to what extent the anti-discrimination legislation was affecting the private sector, whether the Government demanded positive action from the private sector or whether there were any voluntary schemes being implemented by the private sector with regard to positive action. Concerning women home workers, information should be provided on the number of such workers and the extent of any problems they were facing. The Netherlands Government could acquire more information on the situation of women in the large number of private social insurance schemes in the country by conducting research thereon; such information could then be included in its next report to the Committee.

51. Ms. KHAN asked whether the Government provided any kind of child support and day-care facilities especially for single mothers so as to enable them to join the labour force. Concerning the participation of women in non-traditional employment she wondered whether, the Government was taking any measures to encourage the private sector to employ more women in managerial positions. She also asked what percentage of chief executive officers were women in the Netherlands. She would appreciate the Netherlands representative's comments on the statement made in one of the NGO reports that when women were employed their partners lost certain breadwinners' perks. Given the fact that there were no legislative provisions in the Netherlands explicitly prohibiting discrimination against women in employment, she wondered whether women could invoke article 11 of the Convention in the event they felt they were being discriminated against.

52. The CHAIRPERSON asked the Netherlands representative what steps had been taken by her Government to eliminate the discrimination against married women who were breadwinners and who happened to be unemployed.

53. Ms. AYKOR wondered whether there were any women working at two part-time jobs and, if so, what percentage of women were doing so. She also wanted to know why the number of full-time workers was declining while that of part-time workers was increasing, and whether women preferred part-time work because they were paid less than men and faced many obstacles in order to rise to the top of their profession.

54. Ms. MAKINEN, referring to paragraph 173, wondered whether group action could also be used in equal pay cases. Concerning the report on Aruba, she asked whether the Netherlands Government had any plans to amend legislation that discriminated against women.

55. Ms. ABAKA, speaking on the European Netherlands, deplored the fact that the report contained no information on the effects of AIDS on women nor on any programmes that catered for the needs of women who were already infected with the HIV virus. She would also appreciate information on drug addiction among women and related problems including information on programmes aimed at preventing or combating drug addiction in the Netherlands. She wondered whether the Netherlands representative could explain her Government's position on euthanasia.

56. Ms. KHAN asked whether, in view of the fact that tourism was a well-developed industry in Aruba, there was any evidence of prevalence of AIDS among prostitutes and whether any preventive measures were being taken to protect young teenage girls, including prostitutes, against AIDS.

57. The CHAIRPERSON wanted to know whether any laws had been enacted with respect to artificial insemination and, if so, whether they had been drafted from the ethical or scientific viewpoint. She also wondered whether there was any legislation with respect to the age-limit of women who could qualify for such a procedure.

58. Ms. BUSTELO said that she was surprised that the Netherlands courts had already taken a decision with respect to the order in which married couples or married women could use family names. As no other country had taken any decision in that regard, she would be grateful for any information regarding reform undertaken in the Netherlands in that respect.

59. Ms. SCHOPP-SCHILLING, speaking with respect to sexual violence within marriage (para. 621), wondered whether the formulation "through force" was appropriate. She also wondered whether in the discussion leading up to the adoption of the legislation other formulations had been suggested and what the opinion of women's organizations had been. The Netherlands representative could inform the Committee as to whether any cases had been dealt with under the new legislation and provide detailed information in that regard in its second report.

60. Ms. AOUIJ said that with regard to rape within the family she shared the view expressed by Ms. Schopp-Schilling. She wanted to know whether any such cases had been brought before the courts. Concerning the Netherlands Antilles, she wished to know what the social, cultural, economic and political reasons were for the high level of divorces and why there was a differentiation in the marriage ages of men and women.

61. Ms. ABAKA referring to the European Netherlands, said that she did not understand paragraph 620 of the report especially when under article 12 abortion was mentioned only as part of health care. More information on abortion policies in the Netherlands would be appreciated.

The meeting rose at 6.10 p.m.